

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 are pending in the present application, Claims 3, 4, 7-9, 11, 12, 14, 16, and 17 having been amended, and Claims 18-20 having been added. Support for new Claims 18-20 is found, for example, in original Claims 16 and 17. The amendments to Claims 3, 4, 7-9, 11, 12, 14, and 17 correct minor informalities. Claim 16 is amended to depend from Claim 1. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 16 and 17 were rejected under 35 U.S.C. §102(b) as anticipated by Keller et al. (U.S. Patent No. 5,898,503, hereinafter Keller); and Claims 1-15 were allowed.

Applicants thank the Examiner for the allowance of Claims 1-15.

Claim 16 is rewritten to depend from Claim 1. Thus, Applicants respectfully submit that Claim 16 (and Claim 17 dependent thereon) are in condition for allowance.

New Claim 18 depends on allowed Claim 9. Thus, Applicants respectfully submit that Claim 18 (and new Claim 19 dependent thereon) are in condition for allowance.

With respect to new Claim 20, Applicants respectfully submit that new Claim 20 patentably distinguishes over Keller. Claim 20 recites, *inter alia*, “a light path in the detection chip charged with a first material and another portion in the detection chip charged with a second material having a different refractive index from the first material.” Keller does not disclose or suggest these elements of Claim 20.


In the surface plasmon sensor disclosed by Keller, the material of the housing 12 is different from that of layer 22. However, housing 12 is not *in the detection chip*. New Claim 20 recites “a light path *in the detection chip* charged with a second material having a different refractive index from the first material” (emphasis added).

Thus, Applicants respectfully submit that new Claim 20 patentably distinguishes over Keller.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796